

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**ASHLEY MICHON,**

**Plaintiff,**

**v.**

**WESTERN EXPRESS, INC.,**

**Defendant.**

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**No. 3:13-cv-00189**

**Judge Nixon**

**Magistrate Judge Knowles**

**JURY DEMAND**

**ORDER**

Pending before the Court are Defendant Western Express, Inc.'s Motion in Limine to Exclude Evidence Which Plaintiff Failed to Disclose or Produce During Discovery ("Motion in Limine") (Doc. No. 95), and Defendant's Motion to Exclude Alternative Calculation, Accept Proof or Stipulation Re: Unpaid Overtime Pay and Offer of Liquidated Damages ("Motion to Exclude") (Doc. No. 82), filed with a Brief in Support (Doc. No. 83). In its Motions, Defendant asks the Court to exclude undisclosed evidence relating to Plaintiff's calculations of unpaid overtime hours worked that contradict Defendant's calculations (Doc. Nos. 95 at 1; 82 at 1), and to exclude evidence relating to whether Defendant willfully withheld overtime pay (Doc. No. 83 at 3). Defendant also proposes a Requested Stipulation that the "amount of damages for unpaid overtime to Plaintiff is \$98.94. The Court shall assess two times that amount as liquidated damages." (Doc. No. 85). The Court held a hearing on August 22, 2014, to address these Motions. Finding them well-taken, and in consideration of Plaintiff's agreement to Defendant's Requested Stipulation, the Court orally granted these Motions in part.

Accordingly, Defendant's Motions (Doc. Nos. 95; 82) are **GRANTED in part**. Defendant's Requested Stipulation is accepted, and the parties shall not present evidence of the

number of overtime hours worked. The Court hereby **DEFERS** ruling on Defendant's Motions as to willfulness. Counsel for both Plaintiff and Defendant are instructed to inform the Court outside the presence of the jury prior to introducing such evidence.

It is so ORDERED.

Entered this the 25 day of August, 2014.



JOHN T. NIXON, SENIOR JUDGE  
UNITED STATES DISTRICT COURT